

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 1-16 will have been canceled and new claims 17-31 will have been submitted for consideration by the Examiner.

In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided. Applicant also notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statement filed in the present application on March 7, 2002 by the return of the initialed and signed PTO-1449 Form, and for consideration of the documents cited in the Information Disclosure Statement.

However, Applicant notes that the Examiner inadvertently failed to confirm Applicant's claim for foreign priority and that the certified copy of the priority document had been received. The Examiner is respectfully requested to confirm these matters in the next official communication.

Turning to the merits of the action, the Examiner rejected claims 1-6 and 9-16 under 35 U.S.C § 102 (b) as being anticipated by MOTOYAMA et al. (U.S. Patent No. 6,581,092). The Examiner rejected claims 7 and 8 under 35 U.S.C §

103 (a) as being unpatentable over MOTOYAMA et al. and in view of "Official Action ". Applicant respectfully traverses both grounds of rejection.

As noted above, Applicant cancels claims 1-16 and submits new claims 17-31 for Examiner's consideration. Applicant respectfully traverses the above rejections based on newly added claims 17-31, and will discuss the rejection with respect to the pending claims in the present application, as will be set forth hereinbelow.

The newly added claims merely clarify the subject matter recited in the canceled claims, but do not narrow the scope of the claims. In this regard, Applicant notes that claim 17 is generally based on original claim 12; claim 18 is generally based on original claim 2; claim 19 is generally based on original claim 3; claim 20 is generally based on original claim 4; claim 21 is generally based on original claim 13; claim 22 is generally based on original claim 14; claim 23 is generally based on original claims 1 and 6; claim 24 is generally based on original claim 7; claim 25 is generally based on original claim 5; claim 26 is generally based on original claims 8-9 and 11; claim 27 is generally based on original claim 8; claim 28 is generally based on original claim 10; claim 30 is generally based on original claims 15-16; claim 29 recites a method related to claim 17; and claim 31 recites a method related to claim 24.

Applicant's invention, as defined by the claims, generally relate to a transmitting apparatus which communicates with a receiving apparatus. The receiving apparatus exchanges data with a monitor apparatus that monitors a status of the receiving apparatus. The transmitting apparatus comprises a

receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, and a memory that stores the status information of the receiving apparatus. The transmitting apparatus further comprises a controller that, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, checks the status information of the receiving apparatus stored in the memory, and notifies, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

On the other hand, Applicant submits that MOTOYAMA et al. relate to a method and system for monitoring, diagnosing, and controlling machines (e.g., a digital copier/printer, a facsimile machine, and a printer). The machines send status message to the Service Center, which notifies an appropriate entity that a problem exists at the machines.

Applicant submits that MOTOYAMA et al. do not disclose a transmitting machine which notifies, to a user of the transmitting machine, status information of a receiving machine prior to (e.g., before) a transmission of transmitting data to the receiving machine. In other words, Applicant submits that MOTOYAMA et al. merely teach a monitoring system in which the Service Center collects status message from machines, such as, for example, a digital copier/printer, a facsimile machine, or a printer, and does not provide such status message to an individual that wishes to access (use) the machine.

On the other hand, the present invention relates to a transmitting machine which notifies, to a user of the transmitting machine, status information of a receiving machine prior to (before) a transmission of transmitting data to the receiving machine. As a result, the user of the transmitting machine can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive the transmitting data. MOTOYAMA et al. do not contain any disclosure about the features of the present invention, nor are such features suggested by the applied document. Thus, Applicant submits that the present invention is clearly distinguished over MOTOYAMA et al.

In the view of the above, Applicant submits that the ground for the 35 U.S.C. § 102 rejection no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

Further, Applicant submits that "Official Notice" fails to disclose that which is lacking from MOTOMAMA et al. Accordingly, Applicant submits that even if one attempted to combine the teaching of MOTOYAMA et al. with "Official Notice", in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, notifying the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of transmitting data to the receiving apparatus. Thus, Applicant submits that the ground for the 35 U.S.C. § 103 rejection no longer exists, and respectfully requests that this ground of rejection be withdrawn.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 17-28 are not disclosed or rendered obvious over MOTOYAMA et al. cited by the Examiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

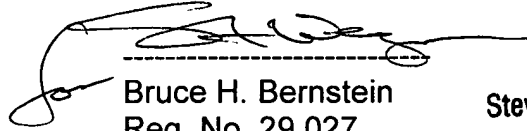
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant canceled the rejected claims and submitted new claims for consideration by the Examiner. With respect to the new claims, Applicant has pointed out patentable features thereof and has contrasted features of the new claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Takefumi WAKABAYASHI

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal dashed line.

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